

ANOTHER BUSY DAY

Routine Business In Senate On Appropriation Bills.

LONG DISCUSSION IN THE HOUSE

Representatives Consider the Practice of Swearing to Warrants.

SENATE.

Fourteenth Day, March 4.

The Senate transacted mostly routine business on the appropriation bills in both morning and afternoon sessions. Announcement came from the House of the passage of House bill 9. The reports of the Chief Justice of the Supreme Court and of the Land Commission were presented. Senate bill 11 came from the Printing Committee. From the Committee on Passed Bills came the report that Joint Resolution No. 1 had been reported to the Executive. House bill 2 was reported from the Judiciary Committee. Senator McCandless' bill to enlarge Kapiolani Park passed the first reading and was sent to the Printing Committee.

President Wilder appointed Senators McCandless, Wright and Wilcox as Special Committee on Postal Bureau; Senators Lyman, Hocking and Rice as Special Committee on Public Instruction; Senators Holstein, Baldwin and Rice as Special Committee on Board of Health.

The various items in the appropriation bill for unpaid claims were referred to committees. An insertion of \$750 claim of Lee Ming and Company, and \$250 claim of V. O. Teixeira during the cholera epidemic were referred to the Finance Committee.

The Attorney-General announced his intention of introducing a bill relating to the registry of vessels.

House Bill 1 passed the first reading and House bill 2, the second reading.

The Senate bill relating to the extension of certain street in Honolulu passed the second reading and went to the Public Lands Committee. The Senate bill granting an extension of time to the Oahu Railway passed the second reading and was referred to the Public Lands Committee.

The Executive announced in a communication that a new election had been ordered to fill the vacancy caused by the death of Senator Horner. Senator Brown's bill to grant Royal Patents to leaseholders of the Kapiolani Park lots passed the second reading and was referred to a special committee to be announced later.

In the afternoon session the Senate considered the appropriation bill for current accounts. The item of \$35,000 for expenses of the Supreme and Circuit Courts was reduced to \$33,000 and was passed. The remaining items relating to the Judiciary Department, and providing for purchase of law books for the Supreme Court and Circuit Courts other than the First Circuit, printing and binding Hawaiian reports, stationery and incidentals were passed.

The items relating to the Department of Foreign Affairs were referred to the committee on that department. Items relating to the various other departments were referred to the appropriate committees or to special committees, after which, the Senate adjourned.

HOUSE.

Thirteenth Day, March 4.

House called to order at the usual hour. Prayer by the chaplain and minutes of the previous day read and approved.

For the Attorney-General the Marshal writes the House in reply to a question that prisoners of three months or over are frequently brought from Maui and Kauai to give them jail accommodations and work.

The Attorney-General presented the answer of the Minister of Foreign Affairs to the question regarding correspondence with Japan, propounded by Representative Atkinson. Minister Cooper's reply is as follows:

Mr. Atkinson's request is understood to be an inquiry as to the reasons which led the Government to suggest that the principal of arbitration be recognized in the pending controversy between this Government and Japan should the parties fail to arrive at a settlement of the questions involved. There is little to be said beyond what is contained in the letter of the Department to Mr. Shimamura under date of June 28, 1897, and the allusion to the subject in the message of the Acting President to the Legislature.

Through the entire correspondence no retraction has been made by this Government to the stand taken in the first instance, but as the correspondence progressed the likelihood of a satisfactory settlement of the controversy appeared to be very remote. This was the reason that led the Government to make the suggestion that the points at difference be referred to disinterested arbitration for decision.

The Attorney-General announced the receipt by Minister Cooper of a letter from President Dole stating that he was very well in San Francisco and expected to leave for home on the Mariposa.

The following petitions were then presented:

1. Achi—Petition from Kau for an

item of \$1,000 for jail and courthouse at Pahala.

2. Achi—Petition from Kau for an item of \$20,000 for the improvement of the road from Punaluu to the Volcano.

3. Achi—Petition for an item of \$15,000 for a road from S. Kona to Waiohine.

4. Paris—Petition from Kau for an item of \$7,000 for a road from Punaluu to the Waialua homestead lots.

5. McCandless—Petition from 30 or more residents of Kalihi and particularly that part of Kalihi along the road Ewa of Kamehameha School asking for an appropriation for the laying of Government water pipes.

Representative Gear presented a petition from the members of the Chinese Y. M. C. A. asking that their grounds and building be made exempt from taxation.

Representative Robertson presented a petition from "a number of gentlemen with wheels" asking that the bicycle Act pass.

Representative Isenberg reported the receipt of a communication from Colonel Fisher inviting the Committee on Military to be present at a drill on the Makiki baseball grounds on the night of March 7th.

Representative Paris presented a petition to the effect that an item of \$400 be inserted in the appropriation bill for a wharf shed at Hookaea, S. Kona; also an item of \$50 for repairing the Court house at that place.

Representative Gear introduced his bill for the regulation of the practice of pharmacy and the sale of poisons in the Republic of Hawaii. Read first time by title and passed.

Notice of intention to introduce the following bills was then given:

1. Gear—"An Act relating to stenographers, interpreters and clerks for certain courts of the Republic of Hawaii."

2. Gear—"An Act prohibiting the specific or penal enforcement of contract for personal services and repealing various chapters and sections of the present laws."

3. Gear—"An Act to amend Section 33 of an Act entitled 'An Act relating to internal taxes and to repeal Chapter 61 of the Session Laws of 1892, relative thereto' (approved the 3d day of June, A. D. 1896)."

4. Loebenstein—"An Act amending Section 6 of Act 51 of the Session Laws of 1896, relating to the internal taxes; also section 31 of the Act aforesaid."

5. Loebenstein—"An Act amending Sub-division 6 of Article 74 of the Constitution of the Republic of Hawaii in accordance with Article 103 thereof."

Representative Loebenstein propounded the following question to the Minister of Finance: "Will you kindly inform this House whether statistics are on record of the amount of taxes both real and personal, that became delinquent after the first day of January, 1897; also of the number of tax-payers or voters whose taxes were delinquent subsequent to that date."

The answer of the Attorney-General to the question of Representative Gear in regard to the question of issuing warrants by the Marshal or his deputies, was brought up for consideration. In relation thereto, Representative Robertson introduced the following resolution:

Whereas, It is the right of every person against who an offense has been committed to make complaint thereof to a District Magistrate and to request the issuance of a warrant for the arrest of the offender; and

Whereas, It is the duty of every District Magistrate to whom such complaint is made, if it appears to him that an offense has been committed, to issue his warrant requiring the Marshal or other officer to forthwith arrest the accused and bring him before such magistrate to be dealt with according to law; and

Whereas, It appears that it has become the practice of District Magistrates to refuse to issue warrants unless the same have previously been allowed by the Marshal or other prosecuting officer and irrespective of their belief as to the commission of the offense charged; and

Whereas, It appears that this practice has been inculcated upon the magistrate by officers of the Attorney-General's department; and

Whereas, Said practice is an usurpation of judicial functions by officers of the Executive branch of the Government and is without warrant or authorization of any law of this country; Be it Resolved, That it is the sense of the House that said practice should cease and that the Attorney-General should instruct his subordinates throughout the country to discontinue the practice of approving warrants in advance of their issuance by the magistrates.

Resolved also, That the clerk of the House transmit a copy of these resolutions to the Attorney-General without delay.

Representative Robertson and Loebenstein spoke in support of the resolution. The latter said that, from every district of the country complaints against this usurpation of power were continually coming. Taking this as a key note, Representative Achi spoke against the resolution. It was rather strange that, although the practice referred to has been in vogue for 10 or 20 years, no word of complaint had yet reached the Legislature. Had there been a complaint, petitions would have been sent in long ago.

House took a recess at 12 m.

AFTERNOON SESSION.

The House was called together at 1:30 p. m. Representative Pogue asked for permission to be absent Friday and Saturday. This was granted. The Speaker suggested that at the close of the morning session it was moved to lay on the table, the resolution introduced by Representative Robertson. On being put to vote the motion to lay on the table was lost.

The resolution was then taken up for consideration when Representative Kaal spoke in favor of it drawing instances in its favor from personal experiences.

Attorney-General Smith was the next

to speak. The gist of his remarks was as follows:

"There seems to be some misapprehension on the part of the members who have spoken in favor of the resolution introduced by Representative Robertson. It has been said by these that the practice has been contrary to the law. I submit that it is just and authorized by law, absolutely. I do not consider it a derogation to any law. The three branches of the Government are co-ordinate and each has an equal power in its own sphere. When I mentioned that the practice had been long before me, I did not mean to shirk anything. Mr. Preston was the first Attorney-General to put the matter in force and it has held to the present day. It was deemed for the best interests of the country and it has certainly borne that out. The words domineering usurpation of power and like phrases have been used by members in speaking about the matter. I do not think that these have very much force in this case. Authority has to be lodged somewhere. When it comes to the enforcement of the law under the department of the Attorney-General, the Marshal and his deputies can stop prosecution in any case by entering a nolle prosequi. The great question to be considered is whether the thing complained about is for or against the public interest. A criminal case is sure to be prejudiced when left entirely to the District Magistrate. The District Magistrate must have sufficient cause before he issues a warrant. I believe the practice to be a sound one and I can say this with every confidence. It is seems to be to be necessary that a District Magistrate shall sit on a case with an unprejudiced mind. I do not deny that some officers who have been or are in the employ of the Attorney-General's Department may be inefficient, unjudicious and some of them perhaps, corrupt. If we could have ideal men with infallible judgments in all of the offices of the Government, then we would be ready for the millennium and all things should cease. But we have to deal with men as they are. I do not claim that every one in my department is immaculate. For many years back, there has been a fair administration of justice and the record here will show well against that of any country that might be named. I believe that some of the members of the House have spoken without a full knowledge of the circumstances involved in the case. There have of course been abuses. In regard to the resolution I should say that in case it is adopted it would require very careful thought to ascertain just how binding it would be. It is my desire on all occasions to carry out the will of the Legislature and the spirit of the law. Man is only for the time. Society and the laws continue. Because now and then there is an abuse is no reason that the rule should be put an end to at once. Where there has been an abuse under this procedure there have been many abuses by the issuance of warrants that never should have been issued. In the main the practice has been beneficial. If it is entirely abolished the resolution may go more toward encouraging litigation than diminishing the wrong spoken of."

Representative Robertson arose to answer the arguments of the Attorney-General and spoke in part as follows:

"The Attorney-General remarked that the person who introduced the resolution was laboring under a misapprehension. It seems to me that that is just what the matter is with the Attorney-General. The laws should be enforced as the Legislature made them and not as any attorney-general for the time being sees fit that they should be enforced. The law makes it the duty of the District Magistrate to investigate to a certain extent various cases. If he believes that an offense has been committed, it is his duty to issue an order to the prosecuting officer for the arrest of the person complained about. The District Magistrate are not doing their duty. This has been usurped by the prosecuting officers in the various districts. There is no law authorizing the Marshal to do what he does now and which is really the right of the District Magistrate. Representative Achi too spoke under a misapprehension. The idea of the resolution is that the District Magistrates be required to carry out the law that the Legislature has prescribed. Investigations should be made only by those persons authorized to carry on such. If the prosecuting officer sees fit to enter a nolle prosequi in a case this will be made a matter of public record. It is different in the matter of issuing warrants. This is done in the back office of the deputy sheriffs. The Attorney-General is under a misapprehension when he says that, if the resolution is adopted, every one who asks for a warrant for the arrest of another party, must have one. The District Magistrate must investigate and find for himself if there is any merit in the case. A further objection to the practice is the inconvenience of the thing. I remember of a case not long ago when a man came to me to assist him in the work of bringing to justice another who had assaulted him. I prepared a complaint and had a warrant filled out ready to be signed. When I went to the police station neither the Marshal nor his deputy was present. Finally the warrant was "O. K'd" by the senior captain. On taking this to the District Magistrate he refused to sign and it became necessary for the complainant to wait about until such time as the Marshal or his deputy returned. Such cases as that make the people feel the irksomeness of the red tape of the Attorney-General and his deputies. The Attorney-General's department is acting in defiance to the law. I do not see that the resolution if adopted by the House would necessarily be binding on the Executive. The intent of the resolution is to bring to the notice of the Executive a recognition of the feeling of the people. If they do not see fit to carry out its provisions they then take upon themselves the respon-

sibility of answering for it when the proper time comes."

After the debate it was considered best to postpone further consideration of the matter until Monday when more of the members could be present.

Representative McCandless introduced the following petitions:

1. An item in the appropriation bill for \$5,000 for the building of a road from the home of W. H. Cummings to the mountains.

2. An item in the appropriation bill for \$1,000 for a school house at Kahana, this island.

3. An item in the appropriation bill of \$1,500 for the building of a school house at Kahuku, this island.

Representative Atkinson announced his intention to introduce a bill relating to actions for libel and slander.

Under suspension of rules Minister Damon reported that, in accordance with the resolution adopted by the House, he had presented the annual reports of the Department of Finance for the years 1896 and 1897, to the Auditor-General.

Representative Pogue propounded the following questions to the Attorney-General:

1. Has the Superintendent of Public Works or Road Engineer the authority to withdraw a road contract which has been publicly awarded and give it to other parties? If so, from whom?

2. By what authority have private lands been taken for Government roads without due process of law and against the protest of the owners?

3. Have any Government roads been constructed on private land for which no right of way has been obtained? If so, where?

4. Are there any claims for road damages unsettled? If so, to whom and for what amounts?

Representative Kaal presented a resolution asking that \$1,000 be appropriated for the building of a wharf at Punahoa, Maui. Adopted.

House adjourned at 3 p. m.

PATROL WAGON.

Marshal Brown Makes a Request for One.

In the report of the Marshal to the Attorney-General, just out, is contained the following:

"I would suggest the equally pressing need and necessity of a patrol wagon, such as is in use in most of the cities of the United States. The need of such a vehicle in this city is every day growing more apparent for the conveyance of injured or drunken persons, and would be a great saving of expense to this department. At present, when a conveyance is required for such persons, the only alternative is to call a hack, and the expense thereby incurred, amounts to considerable every month. Not only is the expense great but the mode of conveyance is unsatisfactory. Such a wagon being able to

OUR REPUTATION

For fine watch work is widespread; but we wish to impress the few who may not yet be in line, with the necessity of sending their watches when out of order to us directly; and not first allow every tinkering to ruin the watch, after which, send it to us for proper repairs.

The Cost is always more to you, after such treatment; ever so much better to send it right down to us, for we allow nothing but perfect work to leave our workshop.

You will be surprised, too, how much cheaper it will be, and how much more satisfactory to you.

Watches are securely packed in wooden boxes, and returned in the safest possible manner.

H. F. WICHMAN

BOX 342.

Our Claim

Upon your attention today will prove a safe investment for you.



THE SAFETY DOCUMENT FILE.

Keeps valuable Papers of all kinds safe. Enamelled Metal Case, strong Manila Pockets, separate and removable. Best and safest system of filing. Notes, Bonds, Mortgages, Deeds, Etc. Two sizes:

No. 10. Size 3x5 1/2 x 11 inches closed. Contains 24 pockets 4 1/2 x 10 1/2. Price \$2.

No. 20. Size 4 1/2 x 5 1/2 x 11 inches closed. Contains 31 pockets 4 1/2 x 10 1/2. Price \$2.50.

Sole Agents for Hawaiian Islands.

Wall, Nichols Company

carry eight or 10 persons with facilities for stowing away all kinds of police accoutrements, would be of great value in conveying squads of officers to and from distant points where their presence might be necessary.

"This same wagon would also be of service to the Health Department, the instant use of which it could command, simply by a telephone message. With the new building, the lower floor being used as the stable, this patrol wagon could be in constant readiness with a driver assigned from each watch to answer any call for its service. The probable cost would be as follows: Wagon, \$600; two horses, \$500; harness, \$60. Total \$1,200."

Deserts the Bachelors.

There was a very happy union of two popular young people of the city last evening. Sam Johnson and Miss Phoebe Harrison were joined in the bonds of matrimony, at the residence of Rev. T. D. Garvin, pastor of the Christian church. Only a few especial friends were present. After performing the ceremony, the minister offered his congratulations and the best wishes of all. Mr. Johnson is one of the best liked young men of the city. He has a good position with E. O. Hall & Son, and is prominent in athletic circles. The bride is the daughter of Captain Harrison, a kamaaina, and is a charming and cultivated young lady. Mr. and Mrs. Johnson will reside in their new home on King street, near the Waikiki road.

The bride was becomingly attired in a costume of white French mulle trimmed in real lace and satin ribbons and carried a beautiful bouquet of white carnation and maiden hair ferns. The groom wore a suit of conventional evening black.

The bond of E. K. Kaoni, as guardian of Arthur Alwohl was filed in the Circuit Court yesterday.

BY AUTHORITY.

ELECTION PROCLAMATION.

Department of the Interior.
Honolulu, March 2, 1898.

In accordance with Article 54 of the Constitution, notice is hereby given that a special election for a Senator to fill the unexpired term ending the last Wednesday of September, 1899, caused by the death of W. Y. Horner, Senator from the Second Senatorial District, will be held in said Second Senatorial District, Islands of Maui, Molokai, Lanai and Kahoolawe, between the hours of 8 a. m. and 5 o'clock p. m., on Thursday, the 14th day of April, 1898.

The nominations for candidates must be deposited with the Minister of the Interior not less than twenty days before the day of election.

The voting precincts, polling places and Inspectors of election in the Second Senatorial District are as follows:

1st Precinct.—That portion of Molokai consisting of Kalawao and Kalaupapa. Polling place: Kalaupapa Store House.

Inspectors: W. Notley, J. K. Waiama, J. A. Babcock.

2d Precinct.—The remainder of the Island of Molokai. Polling place: Pukoo Court House.

Inspectors: Geo. Trimble, H. Manase, A. Kamai.

3d Precinct.—The District of Lahaina and the Island of Lanai. Polling place: Lahaina Court House.

Inspectors: Henry Dickenson, A. N. Hayselden, Rev. A. Pail.

4th Precinct.—District of Kaunapali. Polling place: Honokahau School House.

Inspectors: R. C. Searle, David Taylor, Jr., David Kapuku.

5th Precinct.—Consisting of that portion of Waikuku lying north of the sand hills, including Waihee and the Island of Kahoolawe. Polling place: Waikuku Court House.

Inspectors: W. T. Robinson, J. H. Thomas.

6th Precinct.—The remaining portion of the District of Waikuku, excepting the District of Honouua. Polling place: Custom House, Kahului.

Inspectors: L. M. Zumwalt, D. Quill, E. B. Carley.

7th Precinct.—The District of Honouua. Polling place: Honouua Court House.

Inspectors: J. M. Napulou, G. K. Kunukau, S. E. Kaleikau.

8th Precinct.—All that portion of said District known as Kala and that portion of the land of Hamakua lying south and west of the Maliko Valley and mauka of a line drawn along the center of the road running from Kuluanui to the

Makawao Jail, and a line drawn in extension thereof. Polling place: Makawao Court House.

Inspectors: F. W. Hardy, George Forsyth, Manuel Cabral.

9th Precinct.—The remainder of the District of Makawao to the Gulch of Oopulou. Polling place: Hamakua School House.

Inspectors: W. F. Mossman, W. E. Shaw, P. N. Kahokuakalani.

10th Precinct.—Kihikihui, Kaupo and Kipahulu. Polling place: School House, Kipahulu.

Inspectors: A. Gross, W. B. Starkey, J. K. Pihmanu.

11th Precinct.—From Kipahulu to and including Makapu. Polling place: Hana Court House.

Inspectors: F. Witroek, J. Grunwald, J. K. Kalama.

12th Precinct.—District of Koolau to the Gulch of Oopulou. Polling place: School House, Keanae.

Inspectors: H. Reuter, D. W. Naphaa.

J. A. KING,
Minister of the Interior.

CORPORATION NOTICE.

In re Dissolution of the HAWAIIAN CONSTRUCTION COMPANY.

WHEREAS: The Hawaiian Construction Company, a Corporation established and existing under and by virtue of the Laws of the Hawaiian Islands, has, pursuant to the law in such case made and provided, duly filed at the office of the Minister of the Interior, a petition for the dissolution of the said Corporation together with a Certificate thereto annexed as required by Law.

NOW THEREFORE: Notice is hereby given to any and all persons who have been or are now interested in any manner whatsoever in the said Corporation, that objections to the granting of the said petition, must be filed in the Office of the Minister of the Interior on or before FRIDAY, May 6th, 1898, and that any person or persons desiring to be heard thereon must be in attendance at the office of the undersigned in the Executive Building, Honolulu, at 10 o'clock a. m. of said day, to show cause why said petition should not be granted.

J. A. KING,
Minister of the Interior.
Interior Office, March 1st, 1898.
1947-9tF

PUBLIC LANDS NOTICE.

On Saturday, April 2nd, at 12 o'clock noon, at the front entrance of the Judiciary Building, Honolulu, will be sold at Auction, Leases of the following Government Lands:

Kamalomaloo, Kauai, 2,405 acres. For the term beginning March 29, 1900, and ending May 1, 1907. Upset rental, \$1,000 per year, payable semi-annually in advance.

Nakula, Kaupo, Maui, 1,500 acres, a little more or less. Term of lease, 15 years. Upset rental, \$105 per year, payable semi-annually in advance.

For plans and full particulars as to above, apply to

J. F. BROWN,
Agent of Public Lands.
Office of Public Lands, Honolulu.
1947-td

CORPORATION NOTICE.

In re Dissolution of the WAIHEE SUGAR COMPANY.

WHEREAS: The Waihee Sugar Company, a Corporation established and existing under and by virtue of the Laws of the Hawaiian Islands, has, pursuant to the law in such case made and provided, duly filed at the office of the Minister of the Interior, a petition for the dissolution of the said corporation together with a Certificate thereto annexed as required by law.

NOW THEREFORE: Notice is hereby given to any and all persons who have been or are now interested in any manner whatsoever in the said Corporation, that objections to the granting of the said petition, must be filed in the office of the Minister of the Interior on or before FRIDAY, April 29, 1898, and that any person or persons desiring to be heard thereon must be in attendance at the office of the undersigned in the Executive Building, Honolulu, at 10 o'clock a. m. of said day, to show cause why said petition should not be granted.

J. A. KING,
Minister of the Interior.
Interior Office, February 24, 1898.
1946-9tF